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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92057023
Party	Plaintiff LuckyU Enterprises, Inc., dba Giovanni's Original White Shrimp Truck
Correspondence Address	JENNIFER FRASER NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP 1875 EYE STREET NW, ELEVENTH FLOOR WASHINGTON, DC 20006 UNITED STATES trademark@novakdruce.com, jennifer.fraser@novakdruce.com, daniel.mullarkey@novakdruce.com, breanne.staley-ashe@novakdruce.com
Submission	Plaintiff's Notice of Reliance
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Signature	/Daniel P. Mullarkey/
Date	08/14/2014
Attachments	Notice of Reliance 8-14.pdf(19837 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 4,220,686

Mark: GIOVANNI'S ALOHA FOODS

Registration date: October 9, 2012

In the matter of Trademark Registration No. 4,224,400

Mark: GIOVANNI'S SCAMPI MARINADE

Registration date: October 16, 2012

In the matter of Trademark Registration No. 4,232,569

Mark: GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK

Registration date: October 30, 2012

In the matter of Trademark Registration No. 4,248,595

Mark: GIOVANNI'S HOT & SPICY WE REALLY MEAN IT! SAUCE

Registration date: November 27, 2012

LuckyU Enterprises, Inc., dba Giovanni's :

Original White Shrimp Truck :

Petitioner, :

v. :

John "Giovanni" Aragona :

Respondent. :

Cancellation No. 92057023

**PRETRIAL DISCLOSURES OF PETITIONER LUCKYU ENTERPRISES, INC.,
DBA GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK**

LuckyU Enterprises, Inc., dba Giovanni's Original White Shrimp Truck ("Petitioner") serves the following Pretrial Disclosures on John "Giovanni" Aragona ("Respondent") in compliance with 37 CFR Section 2.121(e) and Fed. R. Civ. P. Rule 26(a)(3). These disclosures are based on information reasonably available to Petitioner at present, and it

reserves the right to supplement or modify them as additional information is obtained.

Continuing investigation and discovery may alter these disclosures.

A. Individuals Petitioner Intends to or May Take Testimony from in Support of its Claims or Defenses.

Mr. Troy Nitsche (to be contacted only through Petitioner's counsel of record)
57-120 Lalo Kuilima Way #12
Kahuku, Hawaii 96731
(202) 331-7111

Mr. Nitsche has knowledge of Petitioner's adoption, use and ownership of its marks, including GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK, GIOVANNI'S SHRIMP TRUCK, and GIOVANNI'S ALOHA SHRIMP (collectively "LuckyU Marks"), including the services offered under the marks and the market for the services. Further, Mr. Nitsche has knowledge regarding the businesses of Petitioner and its predecessor, and the formation and adoption of the Asset Purchase Agreement between Petitioner and Respondent, and the non-performance under the Agreement by Respondent, and his former wife. Mr. Nitsche also has knowledge about the Respondent's non use of the Marks at Issue that Petitioner has challenged in this proceeding ("Aragona's Marks") and Respondent's subsequent unauthorized attempts to try to claim ownership of the Aragona Marks. Additionally, Mr. Nitsche has knowledge of the documents produced during discovery.

B. Summary of Documents and Things that Petitioner Intends to Introduce in Support of its Claims or Defenses.

The following is a summary of the types of documents and things which may be offered at trial and/or which may be introduced as exhibits during the testimony of the witness.

- U.S. Application Serial No. 85/897,872 for the mark GIOVANNI'S SHRIMP TRUCK for "providing food and drink; providing food and drink via a mobile truck; restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverage for consumption on and off premises; serving food and drinks," in class 43.
- U.S. Application Serial No. 85/897,861 for the mark GIOVANNI'S ORIGINAL WHITE SHRIMP TRUCK for "providing food and drink;

providing food and drink via a mobile truck; restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverage for consumption on and off premises; serving food and drinks,” in class 43.

- U.S. Application Serial No. 85/201,283 for the mark GIOVANNI’S ORIGINAL WHITE SHRIMP TRUCK for “providing of food and drink; providing of food and drink via a mobile truck; restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverages for consumption on and off the premises; serving food and drinks,” in class 43 (Abandoned).
- U.S. Application Serial No. 85/201,288 for the mark GIOVANNI’S ALOHA SHRIMP for “fast-food restaurant services; providing of food and drink via a mobile truck; restaurant and catering services; restaurant and catering services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverages for consumption on and off the premises; serving of food and drink/beverages,” in class 43 (Abandoned).
- U.S. Application Serial No. 85/219,363 for the mark GIOVANNI’S ORIGINAL SCAMPI SAUCE for “cooking sauces; flavourings for foods,” in class 46 (Abandoned).
- U.S. Application Serial No. 85/219,370 for the mark GIOVANNI’S ORIGINAL HOT SAUCE for “flavourings for foods,” in class 46 (Abandoned).
- U.S. Registration No. 4,232,569 for the mark GIOVANNI’S ORIGINAL WHITE SHRIMP TRUCK for “mobile restaurant services,” in class 43.
- U.S. Registration No. 4,220,686 for the mark GIOVANNI’S ALOHA FOODS for “food preparation services,” in class 43.
- U.S. Registration No. 4,224,400 for the mark GIOVANNI’S SCAMPI MARINADE for “marinades,” in class 30.
- U.S. Registration No. 4,248,595 for the mark GIOVANNI’S HOT & SPICY WE REALLY MEAN IT! SAUCE for “hot sauce,” in class 30.
- Documents and things showing Petitioner’s rights in its LuckyU Marks in the United States.
- Documents and things showing Petitioner’s use of its LuckyU Marks in the United States.
- Documents and things showing Respondent’s knowledge of Petitioner’s

LuckyU Marks.

- Documents and things showing Respondent's notice of Petitioner's rights in the LuckyU Marks.
- Documents and things showing Respondent's intent in the adoption of the Aragona Marks.
- Documents and things showing Respondent provided false and misleading statements and information to the USPTO concerning its use and ownership of the Aragona Marks.
- Documents and things showing likelihood of confusion between Petitioner's LuckyU Marks and Respondent's use of the Aragona Marks.
- Documents and things showing the strength of Petitioner's LuckyU Marks.
- Documents and things showing that the goods/services offered by Respondent are similar to the services offered by Petitioner and the LuckyU Marks.
- Document and things showing that the goods/services offered by Respondent are found in the same market and channels of trade as the services offered by Petitioner and the LuckyU Marks.
- Documents and things showing that the goods/services offered by Respondent are offered to the same consumers of the services offered by Petitioner and the LuckyU Marks.
- Documents and things showing actual or potential confusion due to Respondent's use and/or registration of the Aragona Marks.
- Documents and things showing other issues pertinent to the likelihood of confusion between Petitioner's LuckyU Marks and Respondent's Aragona Marks.
- Documents and things showing Respondent's non-use of the Aragona Marks.
- Documents and things showing Respondent has not continuously or exclusively used the Aragona marks.
- Documents and things showing Respondent has abandoned use of the Aragona Marks.
- Documents and things showing Respondent's use of the Aragona Marks deceptively and falsely suggests a connection with Petitioner.
- Documents and discovery responses produced by Respondent during discovery.

- Documents produced by Petitioner during discovery.
- Discovery deposition transcripts.

Respectfully submitted,
LuckyU Enterprises, Inc. dba Giovanni's Original
White Shrimp Truck

Date: August 14, 2014

/s/Daniel Mullarkey
Jennifer Fraser
Daniel Mullarkey
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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August 2014 a true and correct copy of the foregoing **Pretrial Disclosures of Petitioner LuckyU Enterprises, Inc. dba Giovanni's Original White Shrimp Truck** was served on Respondent's Counsel, Jamie N. Pitts., The Law Office of Jamie N. Pitts, 3340 Wood Thrush Dr., STE 341, Punta Gorda, FL 33950, via First Class Mail, with a courtesy copy served via e-mail to jamienpitts@jnplawfirm.com.

/Ali Karimipour/

Ali Karimipour
Litigation Paralegal